IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.6945 of 2004

Shri Sudhakar D. Khade — Petitioner

Vs.

Tahasildar, Miraj, Sangli & ors. — Respondents

Mr.S.A.Masal and Mr.G.M.Savagave for petitioner.

Ms.M.P.Thakur, AGP for Resp.nos.1 to 5.

Ms.Archana B. Kologi h/f. Mr.T.S.Ingale for resp. nos. 6 and 7.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 04, 2006.

P.C.

. Heard Mr.Masal, the learned counsel for the petitioner. Perused the affidavit-in-reply filed by Mr.Vikrant Chavan, Tahsildar, Taluka Miraj, Dist. Sangli. In the said affidavit-in-reply it has been clearly stated that only respondent nos.6,7, 10 and 12 are digging sand from the river bed but at a distance of beyond 100 mtrs. from the bank of the river and the digging permitted is only upto to the

depth of 4 ft.

. The learned counsel for the petitioner has invited our attention to the Notification dated 19th February 1991 published under Section 3(1) of Section 3(2)(v) of the Environment (Protection) Act, 1986 and Rule 5(3)(d) of the Environment (Protection) Rules, 1986 declaring coastal stretches as Coastal Regulation Zone (CRZ) and regulating activities in the CRZ. It clearly stipulates that digging on the river bank within a distance of 100 mtrs. is not permissible and this restriction has not been violated in the instant case. The affidavit further states that the parties who have been given permission by the SDO, Miraj will also be allowed to dig soil beyond 100 mtrs. from the bank of the river and thus without violating the Notification dated 19/2/1991. We have also noted that the Government of Maharashtra has also published the guide-lines regulating digging of soil / sand around the bank of rivers throughout the State and we have no doubt in our mind that the said guide-lines will be followed meticulously.

. There is no case made out to entertain this

petition in the interest of protection of environment or the river beds and hence the same is rejected summarily.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE